United States Court of Appeals

for the Second Circuit

APPELLANT'S REPLY BRIEF

ORIGINAL

75-2119

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

- X

UNITED STATES OF AMERICA ex rel. DOLLREE MAPP and ALAN LYONS,

Petitioners-Appellants,

-against-

WARDEN, NEW YORK STATE CORRECTIONAL INSTITUTION FOR WOMEN, BEDFORD HILLS, NEW YORK; and WARDEN, GREAT MEADOW CORRECTIONAL FACILITY, COMSTOCK, NEW YORK,

Respondents-Appellees.

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P/S

On appeal from the United States District Court for the Eastern District of New York

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REPLY BRIEF FOR PETITIONER-APPELLANT DOLLREE MAPP

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TABLE OF CONTENTS

TABLE OF CASES

TABLE OF CASES
(Continued)

STATUTES

OTHER AUTHORITIES

OTHER AUTHORITIES
(Continued)

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REPLY BRIEF FOR PETITIONER-APPELLANT DOLLREE MAPP

Respondent-appellee has failed to respond to the issues raised by appellant Dollree Mapp, and in the course of its response has misstated the evidence.

Answering Point I (Appellee's Brief p. 13)

The facts below in the state court, appropriately raised by this petition for habeas corpus -- basic constitutional rights under the Fourth Amendment to the Constitution -- demonstrate that no probable cause existed for the issuance of the search warrant.

Initially appellee misstates the record in describing

what was set forth in the challenged affidavit.[1] Appellee states that the confidential informant who has not proven reliable in the past, reporting on his supposed knowledge on October 6, 1969 (four months before the application for the search warrant)

> "provided physical descriptions of both Mapp and Lyons" (Appellee's Brief, p. 14)

This is simply wrong. There is no physical description of either appellant in the four corners of the affidavit.[2] But even more important we are not told in the affidavit the source of the unreliable informant's information or that the informant ever observed any narcotics at either of two addresses specified in the affidavit or in the possession of either appellant.

We are further not told in the four corners of the affidavit the relevance of a telephone number listed to one Maudell Mapp[3] or how either Narcotics Detective Toppel or the unreliable informant knew that the voice they listened to over the telephone was in fact that of Dollree Mapp (Appellee's Brief, p. 14).

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1. It was conceded that no additional information to that supplied in the affidavit was submitted to the issuing magistrate (A9).

2. See pages 6 and 7 in Appellant Mapp's Brief.

3. There was no connection ever shown in the record below between any "Maudell Mapp" and the appellant, Dollree Mapp.

The affiant officer's observations of appellants at no time met the test of independent corroboration of the unreliable informant's assertions and conclusions. Investigation which showed that a telephone number allegedly given to informant by appellant Mapp was listed to Harold Smalls does not corroborate the inference as to a "bag up" of heroin that the state would have us draw (Appellee's Brief, p. 15). Moreover, affiant Bergerson testified at a suppression hearing, contrary to his assertion in the affidavit, that he had no recollection of seeing either Mapp or Lyons enter Apartment 2R as he swore he has seen them do in the affidavit (A42,43). This is not to concede, however, that if he did see them enter 2R that it would be sufficient corroboration of criminal activity to pass constitutional muster. Nor indeed is the statement, attributed to appellant,

> "We're going to have to bust our motherfucking asses to get this shit bagged up by tomorrow."

sufficient to establish without any other independent reference to criminal activity the kind of corroboration the law requires.[4] See Spinelli v. United States, 393 U.S. 416 (1969).

Moreover, as set forth at length in Appellant Mapp's Brief (pp. 18-20), the payment of rent for the North Conduit premises does not establish either dominion or control over the

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4. In Spinelli the Court said, "we find nothing alleged which would permit the suspicions engendered by the informant's report to ripen into a judgment that a crime was probably being committed" (at 418).

premises as contended in paragraph D of the affidavit (Appellee's Brief, p. 15).[5]

The "common sense and realistic" conclusion to be drawn from all the independent observations alleged is equally compatible with appellants' innocence and cannot be endowed with an aura of suspicion by virtue of the "unreliable" informer's tip.

Appellee misconstrues the relevance and importance of the express designation in the case at bar of the informer's unreliability (Appellee's Brief, p. 17, note). United States v. Harris, 403 U.S. 573, 580-581 (1971), drawing on Jones v. United States, 360 U.S. 257 (1960) requires of hearsay statements reflecting probable cause, that there be a "substantial basis" shown for crediting the hearsay. As distinguished from Harris and Jones there is no allegation in the affidavit below of any personal observations of the informant -- no facts whatsoever supplied to support the conclusions, or anything to establish that the informant's then information was truthful or reliable. In an attempt to flesh out this requirement, appellee states:

> "The affidavit makes clear that appellant Mapp herself was the source of the informant's conclusion regarding appellant's 'bagging up' of heroin on February 1 and February 8, 1970, as well as the fact that appellant Mapp had narcotics at the Nashville Boulevard premises on November 6." (Appellee's Brief, p. 17)

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5. The woman who paid the rent for Mrs. Smalls was further identified by one witness (Joanne Martin) as wearing a leather coat and sunglasses (2T755); the other witness (Dorothy Weiss) could not remember whether the woman who paid the rent wore a hat, glasses, slacks, skirt or coat (2T850).

Since we do not know from the affidavit itself that the informant is reliable, we have no basis to credit his hearsay report of an admission not otherwise directly corroborated. This is not a case as in Harris where the statements reported were against the informant's penal interest (See Harris, p. 583). Appellee specifically does not meet appellant Mapp's argument that any reference to narcotics present at either address in October or November, 1969 is in all events too long before February, 1970 to be credited toward probable cause (See Appellant Mapp's Brief, pp. 25-27).

Appellee asserts by way of conclusion

> "the informant's communications described the criminal behavior in sufficient detail to assure that it was gained in a reliable way."[6] (Appellee's Brief, p. 18).

Such conclusion is not based on a reading of the affidavit. There are no detailed facts whatsoever described in the affidavit

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6. Writing in the Yale Law Journal, "The Undisclosed Informant and the Fourth Amendment: A Search for Meaningful Standards", 81 Yale Law Journal 703, 708 (1972) Michael A. Rebell says:

> "Affidavits which relate the testimony of anonymous informants should set forth enough of the underlying circumstances to demonstrate that there is reason to believe both that the informer is a truthful person and that he has based his particular conclusions in the matter at hand on reliable data. Affidavits deficient in either of these respects can establish probable cause only if they provide adequate information to corroborate the informant's general reliability and/or particular knowledge."

There is nothing in the record that reflects the truthfulness of the informant nor that his data was reliable.

so that the statement is simply not true and the Aguilar-Spinelli test has not been met.

It is no mere technical argument being advanced by appellant Mapp in this case. This Court has noted in United States v. Sultan, 463 F.2d 1066, 1069 (2 Cir 1972) that informants may be more likely to lie in narcotic cases. Informants themselves may be criminals, drug addicts or pathological liars, or interested in making a "deal".

> "[I]t is to be expected that the informer will not infrequently reach for shadowy leads, or even such to incriminate the innocent." Jones v. United States, 266 F.2d 924, 928 (CADC 1959), cf. Jaben v. United States, 381 U.S. 214, 224 (1965).

Appellee relies erroneously on Whitely v. Warden, 401 U.S. 560, 567 (1971). The Court stated there in language peculiarly applicable to the case at bar:

> "The record is devoid of any information at any stage of the proceeding from the time of the burglary to the event of the arrest and search that would support either the reliability of the informant or the informant's conclusion that these men were connected with the crime."

Answering Point II (Appellee's Brief, page 20)

Appellant Mapp has challenged in this proceeding that probable cause for the issuance of the search warrant under applicable federal constitutional law existed. The challenge necessarily put in question the findings of fact of the state court judge, Justice O'Conner, who upheld the validity of the

search warrant. United States ex rel. Stanbridge v. Zelker, 514 F.2d 45, 57 (2 Cir 1975) cited by appellee (page 21) held that where habeas corpus is sought, it is the duty of a federal court "to apply the applicable federal law to the state court's fact finding independently". See Townsend v. Sain, 372 U.S. 293 (1963). These standards compel reversal of the court below. As a matter of law the affidavit on which the search warrant was issued does not give rise to probable cause under the requirements of the Fourth Amendment to the Constitution.

In addition, appellant Mapp contends that the discrepancies between the facts stated in the affidavit and those adduced by the oral examination of Detective Bergerson at the prior hearing and at trial compel suppression of the search warrant because material misrepresentations appear in the record.[7] Also connected with this point is the further request, repeatedly made in the state court, that the misrepresentations and inconsistencies between hearing and trial testimony and the allegations contained in the affidavit concerning the informer required the state court to disclose the identity of the informer in the interests of due process of law.

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7. Said appellee:

> "The most important witness was Bergerson, whose testimony in sum and substance conformed to the recitals set forth in his affidavit in support of the search warrant" (Appellee's Brief p. 7).

Again this is simply not true. See Appellant's brief, pp. 9, 10, 27-29.

Appellee responds to this argument by stating that the issue was not raised below and so is waived for purposes of habeas corpus relief (Appellee's Brief p. 22). Again appellee is simply wrong. Reference to pages 32 to 35 in Appellants' Brief in the Appellate Division of the Supreme Court, Second Department reveals that the argument was made then that the officer (Detective Bergerson) who swore to the allegations of the affidavit in support of the search warrant committed perjury and that the perjury and the refusal to produce the informant requires reversal of the conviction.[8] Thus the issues were raised as required by the exhaustion rule. See Picard v. Connor, 404 U.S. 270 (1971).

Initially in the state court proceeding, counsel for the defendants requested the police department personnel records on Detective Bergerson (2T260,271).[9] This request was denied by the trial judge on the grounds they contained nothing of an exculpatory nature (2T273,274).

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8. Pages 32 through 35 of appellants' brief in the Appellate Division of the Supreme Court, Second Department, are appended to this brief and marked "Exhibit A".

9. These records, it may be assumed, would have shown facts reflecting on the character and the truthfulness and honesty of Detective Bergerson who was later found guilty in a police department trial of illegally accepting a $3,500 bribe from a narcotics dealer. Such records would challenge the truthfulness of Bergerson in his affidavit allegations and his testimony and would tend to exculpate appellants. Relevant to this contention is United States v. Agurs, 510 F.2d 1249 (CADC 1975) (unintentional nondisclosure of relevant fact).

Appellee states categorically:

> "Appellants have not made a showing that any of the alleged inconsistencies are subject to the condemnation of this rule [a misstatement in an affidavit . . . knowingly made would invalidate the warrant]" (Appellee's Brief, p. 22)

The error of the above statement is manifest. The only statement in the affidavit of Bergerson submitted to the magistrate asserting that narcotics were inside the North Conduit premises concerned his (Bergerson's) being told so by the informant who stated to Bergerson that heroin was being processed, cut and packaged there on October 6, 1969. Joanna Martin, the People's witness, gave uncontradicted testimony that Apartment 2R at the North Conduit Avenue premises was not occupied until some time in November 1969, thus making the all-important statement in the affidavit (Par. A) untrue (A361). Moreover it is not likely that Bergerson was unaware of this fact when the information is put together with the prosecutor's statement that Bergerson and the other officers first learned of the North Conduit address on January 6, 1970 (A492-493). Appellee's dismissal of appellants' underscoring of this prosecutorial deception is frivolous (Appellee's Brief p. 24).

Moreover it is also significant that the suppression hearing at which time Detective Bergerson testified took place a bare seven months after the issuance and service of the search warrant at a time when the facts should have been remembered clearly by Detective Bergerson. Instead he remembered very

little of the facts he swore were true in the affidavit. Nor could he remember what occurred when he was shown the affidavit he had sworn to in February 1970 to refresh his memory in September 1970 (A45-48). This suggests that the affidavit, itself, was not based on the truth -- that Detective Bergerson (later dismissed as a police officer for receiving a bribe) did not confine his illegal activity to one case and that his testimony at the trial of this case involved perjury.[10]

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10. It is again to be recalled that Detective Bergerson had good reason for trying to make Ms. Mapp's arrest a good one this time. Former Solicitor General and former Dean of Harvard Law School Erwin Griswold wrote in Search and Seizure, A Dilemma of the Supreme Court (University of Nebraska Press 1975) pp. 7 and 8:

"Except for a few cases arising out of the federal courts, the active history of the Fourth Amendment did not begin until 1961 when the Court decided the case of Mapp v. Ohio [367 U.S. 643 (1961)] . . . Thus for the first time in our history, the sanctions of the Fourth Amendment became generally applicable in the whole area of law enforcement.

"The result has been -- as in so many other areas in recent years -- a great torrent of litigation. This is evidenced by the entries of decisions under the Fourth Amendment in the United States Code Annotated. In the latest bound volume, these occupy 683 double-columned pages, classified under 1,222 different categories. The index alone occupies sixteen pages. Over seven thousand decisions are abstracted, virtually all of which have been decided within the past fifteen years.

"The Mapp decision required a complete change in the outlook and practices of state and local police. Prior to the Mapp case -- as the Weeks [232 U.S. 383 (1914)] decision itself illustrates -- search warrants were virtually unknown in city departments. . . . And the deputy police commissioner of New York was quoted in 1965 as saying: 'We had to reorganize our thinking, frankly. Before this nobody bothered to take out search warrants.' [New York Times April 28, 1965 p. 50]"

It is here submitted in all events that these are issues to be brought out further by a hearing on these facts in the event this Court does not find the affidavit for the search warrant inadequate on its face as a matter of law to support the issuance of the warrant.

Answering Point III (p. 25)

Appellant Mapp makes no comment on the issue raised here that appellant Lyons has no standing to contest the search and seizure at the Nashville Boulevard premises (appellant Mapp's residence). Appellant Mapp does, however, adopt that portion of appellant Lyons' argument (Appellant Lyons' Brief p. 16) that there was in all events no probable cause for the search of the Nashville Boulevard premises. The only allegations connecting illegal possession of narcotics with those premises concern October 6, 1969 (Par. A of affidavit, A6-a) and November 6, 1969 (Par. E of affidavit, A6-c) -- more than three months before the application for the search warrant. See cases cited in Appellants' Brief, pp. 25, 26. This point was asserted by appellant Mapp in her petition below and is reasserted here (See Petition, par. 6, (ii) at end of appellant Mapp's brief p. A-6).

Appellee further justifies the seizure of rent receipts from a drawer in appellant Mapp's bedroom as fully justified under the "plain-view" doctrine citing Coolidge v. New Hampshire, 403 U.S. 443 (1971) (Appellee's Brief p. 27) stating,

> "The only applicable limitation upon such a seizure is that discovery of the evidence be inadvertent." (Appellee's Brief p. 27)

A reading of the affidavit for the search warrant controverts any contention that the finding of the rent receipts was inadvertent. The warrant itself specified the seizure of "Heroin and dangerous drugs" only (A6-f). Assuming arguendo that the warrant was valid for the Nashville Boulevard premises, it was not valid for the seizure of rent receipts since the discovery of the receipts was clearly anticipatable by the allegation in the affidavit (par. D) that Ms. Mapp was "the person who paid the rental fee for Apt. 2R, 155-15 North Conduit Ave. Queens, New York" (A6-c). Thus under the standards conceded by appellee, seizure of the rent receipts, pivotal evidence for the conviction of Ms. Mapp, was improper.[11]

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11. The "plain view" exception is explained in Coolidge v. New Hampshire, 403 U.S. 443, 467 (1971) viz.:

> "The rationale for the 'plain view' exception is evident if we keep in mind the two distinct constitutional protections served by the warrant requirement. First, the magistrate's scrutiny is intended to eliminate altogether searches not based on probable cause. The premise here is that any intrusion in the way of search or seizure is an evil, so that no intrusion at all is justified without a careful prior determination of necessity. See, e. g., McDonald v. United States, 335 U. S. 451; Warden v. Hayden, 387 U. S. 294; Katz v. United States, 389 U. S. 347; Chimel v. California, 395 U. S. at 761-762. The second, distinct objective is that those searches deemed necessary should be as limited as possible. Here, the specific evil is the 'general warrant' abhorred by the colonists, and the problem is not that of intrusion per se, but of a general, exploratory rummaging in a person's belongings. See, e. g., Boyd v. United States, 116 U. S., at 624-630; Marron v. United States, 275 U. S. 192, 195-196; Stanford v. Texas, 379 U. S. 476. The warrant accomplishes this second objective by requiring a 'particular description' of the things to be seized."

Appellant Mapp recognizes that the above argument is somewhat inconsistent with her prior argument to this Court predicated on United States v. Thompson, 495 F.2d 165 (CADC 1974) (See Appellant Mapp's Brief note 17, p. 18). It is appellee's concession that the receipts would not have been admissible had their discovery not been inadvertent that gives rise to this shift in position.

Answering Point IV (page 29)

In appellant Mapp's response to Point II of appellee, supra, she has discussed at length the underlying due process reasons for the disclosure of the identity of the informer. Such reasons are not congruent with the situation in United States v. Ortega, 471 F.2d 1350, 1359 (2 Cir 1972) cert. den. 411 U.S. 935, and United States v. Alvarez, 472 F.2d 111, 113 (9 Cir 1973) cert. den. 412 U.S. 921 (1973). In the case at bar the patent inconsistencies in Detective Bergerson's testimony both at the hearing and the trials read together with his sworn affidavit, establish conduct amounting to either gross perjury or cavalier disregard of the truth on issues germaine to probable cause as well as the issue of the guilt of appellant Mapp of the charges involved. Contradictions themselves between the affidavit involved and testimony at the hearing or trial may be sufficient to invalidate the affidavit and the search warrant as a matter of law. United States v. Roth, 391 F.2d 507 (7 Cir 1967). This Court has ever been vigilant in requiring the prosecution to

meet the standards of fairness due process requires of it.

Answering Point V (page 32)

Appellant Mapp has correctly urged before this Court that the record below is devoid of any evidence of her possession of narcotics, the crime of which she was convicted and for which she was sentenced to a term of 20 years to life imprisonment.

There was no evidence at the trial that she was ever near or in possession of any narcotics. No one testified that he or she saw her in such possession or even said she possessed narcotics or said that she helped appellant Lyons possess narcotics.[12] Thus the issue clearly rises to constitutional proportions as described in United States ex rel. Terry v. Henderson, 462 F.2d 1125, 1131 (2 Cir 1972). On this issue appellant Mapp concedes that it is before this Court as an issue for the first time just as she concedes that the issue re conflict of interest of counsel has not been brought before the state court.[13]

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12. It is, of course, necessary to separate out the unsupported statements discussed at length on the probable cause issue of the "not proven reliable informant" from the evidence adduced at trial. There is no question that testimony establishes that appellant Lyons had 499 glassine envelopes of heroin on his person at the time of his arrest. Appellant Mapp, however, had no narcotics on her person or in her home and was not with Lyons at the time of his arrest.

13. Until this appeal in this Court both appellants were represented by the same counsel, Nancy Rosner. If the issue were appropriately before this Court, a hearing would be mandated to determine whether the defendants were fully advised of all the facts concerning any conflict of interest. See United States v. De Berry, 487 F.2d 448, 452 (2 Cir 1973); United States v. Albert, 470 F.2d 878, 881-882 (2 Cir 1972).

Under these circumstances this Court may see fit to deny the writ and send the case back for proceedings in the state court. Appellant Mapp urges that the record before this Court on the issue of probable cause requires this Court to reverse the court below and issue the writ. Appellant Mapp urges further that if this Court does not reverse the court below it must refer the issues involving possible prosecutorial perjury for hearing in the court below.

CONCLUSION

The decision of the court below should be reversed, the writ of habeas corpus issued and petitioner Mapp ordered released.

Respectfully submitted,

ELEANOR JACKSON PIEL
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Appellant Dollree Mapp

December 7, 1975

EXHIBIT A

To be argued by
NANCY ROSNER
(20 minutes)

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND DEPARTMENT

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent,

-against-

DOLLREE MAPP and
ALAN LYONS,

Appellants.

APPELLANTS' BRIEF

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III

THE REFUSAL OF THE TRIAL COURT TO ORDER PRODUCTION OF THE INFORMANT FOLLOWING AN INFERENCE OF THE USE OF PERJURIOUS STATEMENTS TO SUPPORT ISSUANCE OF THE WARRANT REQUIRES REVERSAL

The warrant issued in this case was secured mainly on the basis of Detective Bergersen's hearsay and double hearsay relations of statements allegedly made to both he and Detective Topal by previously untested and unnamed informant.

No affidavit of the informant was submitted to the issuing magistrate.

Detective Bergersen stated that most of his contact with the informant had been on the telephone (A43).

When questioned as to the availability of any written memoranda made contemporaneously with any face to face meetings with the informant, Bergersen could not produce them (A32, 46, 59).

Simply stated, no corroboration, even for the informant's existence was ever adduced.[10]

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10 As stated in Point II, supra, the People conceded that the informant's statements alone would have been insufficient to support issuance of the warrant (A104).

At the 1970 suppression hearing, defense counsel, on the authority of People v. Malinsky, 15 N.Y.2d 86 (1965) and People v. Verrecchio, 23 N.Y. 2d 489 (1969), requested production of the informant (1970 H.T. 12, 89). See also, People v. Alfinito, 16 N.Y. 2d 181 (1965). The application was denied.

The Malinsky rule is applicable to searches executed with a warrant as well as without. People v. Cerrato, 24 N.Y. 2d 1 (1969); People v. Jonas, 33 A.D. 2d 831, 305 N.Y.S.2d 577 (3rd Dept. 1969). The rule, simply stated, requires that:

> Where an affidavit in support of a search warrant is based upon information supplied to the affiant-police officer by an undisclosed informant, the informant's statements must be reasonably corroborated by other matters within the officer's knowledge demonstrating that the informant was credible or his information was reliable.
>
> People v. Jonas, 35 A.D. 2d 615, 312 N.Y.S. 2d 569 (3rd Dept. 1970).

It follows, a fortiori that if the alleged informant never actually existed or that the affiant's statements attributed to him were made up out of whole cloth, the Malinsky rule cannot be met and the warrant must be declared invalid as fruit of perjurious statements. People v. Solimine, 18 N.Y.2d 477 (1966). As the Court of Appeals has stated:

> Modern thought which produced the decision in Mapp v. Ohio . . . would make incongruous any holding that a search warrant is beyond attack even on proof that the allegations on which it was based were perjured.
>
> People v. Alfinito, supra, at 16 N.Y. 2d at 185.

Not only was the record of the 1970 suppression hearing rife with Bergersen's admissions of his inability to corroborate or vouch for any of the information allegedly imparted to him by the unnamed informant but, a curious statement made by the prosecutor in the course of his summation appears to underscore the gravity of appellants' motion for the disclosure of the informant's identity. During his closing argument to the jury, the prosecutor stated (A492-493):

> "If you recall Fink told you that on January 6, 1970, that he and Wilson were together. They followed that red panel truck first from 1733 Amsterdam Avenue out to Nashville Boulevard. They picked up a male Negro at Nashville Boulevard. They deposited him at the subway and then they went down to the chicken place at Queens Boulevard and Hillside Avenue . . . .
>
> Then when they left the chicken place down here at Hillside and Queens Boulevard, where did they go? 155-15 North Conduit Avenue. That was the first big break in this case. Because they had another location which they hadn't had up to this point.
>
> They didn't know about 155-15 North Conduit up until that point. They knew about Nashville Boulevard. They knew about 1733. But where's the other place? Where's the mill? Now they have a new location. And that's when the surveillance began at 155-15, which culminated in them going to see Joanna Fucello and showing her some pictures. And that's when they determined that apartment 2-R was the apartment in question." (emphasis added)

This assertion, that until January 6, 1970, the detectives had no knowledge of appellants' relationship to the Conduit Avenue premises, is so grotesquely at variance with the assertions in the affidavit in support of the warrant and so impeaching of the averments contained in paragraph A thereof, that a serious question as to the possible utilization of perjury in securing the warrant's issuance exists. Accordingly, at the time of issuance and the renewal of all motions made during the proceedings on appellants' behalf, the motion requesting disclosure of the identity of the informant should have been granted.

The only ground ever voiced by the People in opposition to such disclosure was that there was sufficient independent corroboration. No affirmative reason in opposition to disclosure of the informant particularly was ever urged. Cf. People v. Ford, 61 Misc. 2d 419, 305 N.Y.S.2d 772, 779 (S.Ct. Qns. Cty. 1969).

In light of the insufficiency of corroboration and the inference of perjury raised by the remarks in the prosecutor's summation, and the evidence that Apt. 2-R could not have been occupied in October, 1969, appellants must be held to have been deprived of their opportunity to "prove the falsity of the affidavit by a preponderance of the evidence." People v. Irizarry, 64 Misc.2d 49, 314 N.Y.S. 2d 384, 389 (N.Y.C. Cr. Ct. 1970). Their convictions should therefore be reversed.

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ATTORNEY GENERAL

Louis J. Lefkowitz

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Date December 9, 1975

Firm Hon. Louis J. Lefkowitz

By _____